

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4270 of 2004

RAMESH CHANDRA
V/S
LABOUR COURT, JODHPUR & ANR

Mr. VIJAY MEHTA, for the appellant / petitioner

Mr. BL BHATI, A.G.A., for the respondent

Date of Order : 16.5.2006

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the parties, and perused the record.

The learned Labour Court has found that appointment of the petitioner was a fixed period of time, and he has been relieved on expiry of that period. The learned Labour Court has not believed the story of the petitioner about the petitioner having been allowed to work by oral orders even after expiry of the term, and that he had not been relieved on the expiry of the period as claimed by the employer

It is contended by learned counsel for the petitioner that the petitioner filed application for summoning the record from the department, but then no orders had been passed on that application.

I have perused the record, and find there-from that in the affidavit filed by the petitioner before the

Labour Court, in para-3, it was clearly deposed that even after 24.10.97, the work was taken from him upto 31.8.98, and that entries in that regard were made in the departmental records, originals whereof are with the department, but he has the photostat copies in his possession. Admittedly, no such photostat copies had been produced on record, and after filing of the application, as appears from the order-sheet that the application was never pressed.

In that view of the matter, as propounded by Hon'ble the Supreme Court in Municipal Corporation, Faridabad Vs. Siri Niwas reported in 2004(7) JT 248, and Manager, R.B.I. Bangalore Vs. Mani reported in 2005(3) JT 248, when the burden was on the petitioner to prove that he continued to work upto 31.8.98, and when admittedly the photostat copies of the record were in his possession, which had not been produced, in my view, it cannot be said that the learned Labour Court has gone wrong in passing the impugned award.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA), J.

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